

BEST AVAILABLE COPY

February 26, 2004

Case No.: DP-300954 (2750/24)

Serial No.: 09/911,164

Filed: July 23, 2001

Page 7 of 11

-- REMARKS --

The present amendment replies to a non-final Office Action dated December 4, 2003. Claims 1-20 are currently pending in the present application. Claims 1, 13 and 17 have been amended to more particularly point out and distinctly claim the invention of the present application. No new matter has been introduced by the amendment of Claims 1, 13, 17 and 20.

In the non-final Office Action, Examiner Jasmin rejected pending claims 1-20. The Applicants respond to the rejection as subsequently recited herein, and respectfully request reconsideration and further examination of the present application under 37 CFR § 1.112:

- A Claim 20 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The Applicants have amended claim 20, correcting the inadvertent error and placing the claim in proper dependent form. No new matter has been added by the amendment of claim 20. The Applicants request the withdrawal of the Examiner's objection to the claim.

- B. Claims 1-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Davis et al. US Patent No. 6,282,522.

The Applicants have thoroughly considered Examiner Jasmin's remarks concerning the patentability of claims 1-20 over U.S. Patent No. 6,282,522 to Davis et al. (hereinafter "the Davis patent"). The Applicants have also thoroughly read the Davis patent. The Applicants respectfully traverse this 35 U.S.C. §102(e) rejection.

February 26, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 8 of 11

The Applicants assert that the Davis Patent does not disclose all of the claimed elements as recited by the Applicants in claims 1-20. The Davis Patent fails to disclose, teach, or suggest a hand held device for conducting mobile commerce that is claimed in independent claims 1, 13 and 17 as presented by the Applicants.

Independent claim 1, as amended, claims a method for conducting mobile commerce that includes the limitations, among others, of verifying user authorization at a hand held device, transmitting a transaction request from the hand held device, transmitting an amount and a transaction identification in response to the transaction request, from a base unit to the hand held device, displaying the amount at the hand held device; and transmitting a user identification and the transaction identification from the hand held device. The Applicants claim a method for using a hand held device configured to perform all of these functions.

Independent claim 13, as amended, claims a system for conducting mobile commerce that includes the limitations of, among others, means for authorizing a user of a hand held device, means for transmitting a transaction request from the hand held device, means for transmitting an amount and a transaction identification in response to the transaction request received from the hand held device, means for notifying the user of the amount on the hand held device and means for transmitting a user identification and the transaction identification from the hand held device; and. The Applicants' claim a system for using a single hand held device configured to perform all of these functions.

Independent claim 17, as amended, claims a computer readable medium storing a computer program having computer readable code for authorizing a user of a hand held device, for transmitting a transaction request from the hand held device, for transmitting an amount and a transaction identification in response to the transaction request received from the hand held device, for displaying the amount on the hand held device and for transmitting a user identification and the transaction identification from the hand held device.

February 26, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 9 of 11

The Davis Patent discloses a system having separate components for making payments for goods and services via the Internet. The Davis system requires, among other things, 1) a client terminal having a consumer card interface, a display and components that allow the user to accept or cancel the transaction; 2) a stored value card and 3) a card reader that allows communication between the client terminal and the stored value card (see col. 12 lines 1-22). Therefore, the Davis Patent does not disclose, teach, or suggest every claimed element of independent claim 1 and thus, cannot anticipate the invention as claimed by Applicants. Withdrawal of the rejection of independent claims 1, 13 and 17 under 35 U.S.C. §102(e) as being anticipated by the Davis Patent is therefore respectfully requested.

Claims 2-12 depend directly or indirectly from independent claim 1. Therefore, dependent claims 2-12 include all of the elements and limitations of independent claim 1. It is therefore submitted by the Applicants that claims 2-12 are allowable over the Davis Patent for at least the same reason as set forth above with respect to independent claim 1. Withdrawal of the rejection of dependent claims 2-12 under 35 U.S.C. §102(e) as being anticipated by the Davis Patent is therefore respectfully requested.

Claims 14-16 depend directly or indirectly from independent claim 13. Therefore, dependent claims 14-16 include all of the elements and limitations of independent claim 13. It is therefore submitted by the Applicants that claims 14-16 are allowable over the Davis Patent for at least the same reason as set forth above with respect to independent claim 13. Withdrawal of the rejection of dependent claims 14-16 under 35 U.S.C. §102(e) as being anticipated by the Davis Patent is therefore respectfully requested.

February 26, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 10 of 11

Claims 18-20 depend directly or indirectly from independent claim 17. Therefore, dependent claims 18-20 include all of the elements and limitations of independent claim 17. It is therefore submitted by the Applicants that claims 18-20 are allowable over the Davis Patent for at least the same reason as set forth above with respect to independent claim 17. Withdrawal of the rejection of dependent claims 18-20 under 35 U.S.C. §102(e) as being anticipated by the Davis Patent is therefore respectfully requested.

February 26, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 11 of 11

SUMMARY

Examiner Jasmin's 35 U.S.C. § 102(e) rejections of claims 1-20 have been obviated by the above amendments and remarks. The Applicants respectfully submit that claims 1-20 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing amendments and remarks, favorable consideration and passage to issue of the present application are respectfully requested.

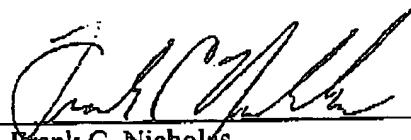
Dated: February 26, 2004

Respectfully submitted,
KENNETH P. DUDEK, *et al.*

GENERAL MOTORS CORPORATION
General Motors Legal Staff
Mail Code 482-C23-B21
300 Renaissance Center
P.O. Box 300
Detroit, MI 58265-3000
Phone: (313) 665-4714

Attorney for Applicants

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants